

**CITY OF BEAVERTON
STAFF REPORT AND RECOMMENDATION**

TO: Planning Commission

STAFF REPORT DATE: Wednesday, January 11, 2006

STAFF: Colin Cooper, AICP
Senior Planner

SUBJECT: TA 2005-0006 (RC-OT Design Review Modifications)

REQUEST: Amendment to Chapter 20, Section 20.20.95.B.1 and Chapter 40, Sections 40.20.15.1 and 40.20.15.2 (RC-OT Design Review Amendment) to adopt revised thresholds and approval criteria for additions and modifications to existing development located within the Regional Center-Old Town (RC-OT) zoning district.

APPLICANT: City of Beaverton - Development Services Division

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4365 (Nov 2005)

APPLICABLE CRITERIA: Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, January 18, 2006

RECOMMENDATION: Staff recommend APPROVAL of text amendment application TA 2005-0006 (RC-OT Design Review Mods)

I. Proposed Legislative Text Amendment

The purpose of this proposed text amendment is to respond to the City's Office of Economic Development, which requested that the Development Code processes be streamlined to allow modifications for existing structures located within the Regional Center-Old Town (RC-OT) zoning district with as little delay and cost as possible.

The area contained within the boundaries of the RC-OT zoning district are part of the original plat that created the City. This area includes a large inventory of structures that are identified as either having historical significance or importance. Development within the RC-OT is split between commercial structures that are oriented towards the street in a manner that current Design Review principals, standards and guidelines seek from new development, and older residential structures that are being converted to commercial uses. The RC-OT area is generally characterized by smaller lots that make it difficult for many building owners to expand or provide parking within current standards.

There have been two cases where development applications for small expansions of approximately 200-500 square feet of one existing commercial building and one residential structure located in the RC-OT zoning district have required Type 3 processes. The City's Office of Economic Development felt that a Type 3 process was out of scale for the scope of the proposed development.

Alternatives Analysis

In response to the direction received from the Mayor's office, numerous ideas were discussed with a focus on three primary options considered for developing a text amendment:

Option 1: Outright Exemption –Exempt modifications and additions to existing structures in the RC-OT zone.

Option 2: Broaden Thresholds for DRCL for RC-OT. Amend Design Review Section of 40.20.15.1 to address development within the RC-OT zone only. Add limited thresholds and approval criteria for modifications to existing structures in the RC-OT.

Option 3 – Moving Toward Compliance – Amend Section 40.20.15.1A.C to develop a new set of approval criteria and standards that would allow development that is moving towards conformance.

Option 4 – No Modification to Existing Code – Take no action.

Staff did not choose to move forward with Option 1 because it is not consistent with the Comprehensive Plan policies that require the City to establish and maintain a process and standards to review proposed development to create an attractive urban environment in the Regional Center. Without any review, there would be no design review oversight of development.

Option 4 does not address the issue of streamlining development that in the eyes of some property and business owners is unfair and overly burdensome.

After considering these options, staff has incorporated a hybrid approach between Option 2 and 3 because it provides the most direct path to address the issue of streamlining process and establishes simplified design review and approval criteria for proposed development.

The text proposed for consideration to address this issue provides greater flexibility and certainty for existing property and business owners while remaining consistent with the vision for this area of downtown Beaverton.

II. Proposed Text

Section 1- Proposes to amend of Section 20.20.95.B.1, Regional Center Expansion and Enlargement of Nonconforming Uses, to increase the allowable percentage for structures within the RC-OT zoning district.

Section 2- Proposes to amend Section 40.20.15.1.A.e to allow an expansion of the area of demolition allowed under a Design Review Compliance Letter review process.

Section 3- Proposes to amend Section 40.20.15.1.A.2 to increase the percentage of gross floor area from 25% to 50% for which a DRCL may be considered for review within the Design Review Compliance Letter for the RC-OT zone only.

Section 4 – Proposes to amend Section 40.20.15.1.C.4, Approval Criteria to exempt development within the RC-OT zoning district that meet the DRCL thresholds from the minimum Floor Area Ratio standard while allowing structures to move towards conformance in all other cases.

Section 5 – Proposes to amend Section 40.20.15.1.C.6 to establish new approval criteria that provide a more limited scope to the small scale building redevelopment and modifications facilitated by this text amendment.

Section 6 - Proposes to amend Section 40.20.15.2.A.8, to create a new Design Review 2 threshold that is used as a catch all for development not included within DRCL thresholds including in Section 3 of this amendment.

III. Facts and Findings

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2005-0006 (RC-OT Design Review Amendment):

1. The proposal satisfies the threshold requirements for a Text Amendment application.

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2005-0006 (RC-OT Design Review Amendment) proposes to amend Sections 20.20.95.1, Sections 40.20.15.1 and 40.20.15.2 of the Beaverton Development Code currently effective through Ordinance 4365 (Nov. 2005).

Therefore, staff find that approval criterion one has been met.

2. All City application fees related to the application under consideration by the decision-making authority have been submitted.

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Development Services Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required.

Staff find that approval criterion two is not applicable.

3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

- Title 1: Requirements for Housing and Employment Accommodations
- Title 2: Regional Parking Policy
- Title 3: Water Quality and Flood Management Conservation
- Title 4: Retail in Employment and Industrial Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Regional Accessibility

Title 7: Affordable Housing
Title 8: Compliance Procedures and
Title 9: Performance Measures

TA 2005-0006 proposes to amend Development Code Chapter 20 and 40 to allow streamlining of redevelopment of existing structures in the oldest section of Beaverton's Regional Center. The proposed amendments have no applicability to the Metro titles. Staff find that approval criterion three is not applicable.

4. The proposed text amendment is consistent with the City's Comprehensive Plan.

The proposed text amendment will not change the intent of the existing Development Code regulations, such that goals and policies of the Comprehensive Plan are impacted. The adoption of the proposed changes to Chapter 20 and 40 will continue to provide consistency between Comprehensive Plan goals and policies found in the Chapter 3, Land Use, Chapter 7, Historic Resource Element, and Chapter 9, Economy Element. Additionally, the proposed text amendments are consistent with the Beaverton Regional Center Community Plan. The intent of the proposed code changes is to allow ongoing investment in existing structures in the oldest established area of downtown Beaverton thus maintaining economic activity that will encourage further larger scale redevelopment that implement the vision of the Beaverton Comprehensive Plan for Regional Centers.

3.4.1 Goal: Provide a policy framework for a community designed to establish a positive identity while enhancing livability.

Policies:

- a) The City, through its development review process, shall apply urban design standards to guide public and private investment toward creating a positive community identity.***

The proposed text amendment will streamline but not eliminate the code requirements to review expansions and modifications to existing structures. The proposed code amendment allows property and business owners to continue to invest in properties that have not become ripe for large scale redevelopment in a manner that streamlines processing and moves towards conformance with the current site development standards and is consistent with the proposed Design Review Compliance Letter approval criteria.

Therefore, staff find that the proposed text amendment is consistent with Goal 3.4.1, policy "a".

3.5.1 Goal: Beaverton mixed use areas that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

Policies:

- a) Regulate new development in Regional Centers, Town Centers, Station Communities and Main Streets (see Figure III-1, Comprehensive Plan Land Use Map) to ensure compact urban development.***

The proposed text amendment seeks to amend Sections 20.20.95, Multiple Use Districts – Expansion and Enlargement of Nonconforming Uses, and Section 40.20.15.1 and 2 to allow for increase economic activity in Beaverton’s Regional Center – Old Town zone. As described at the beginning of this report this area of Beaverton’s Regional Center represents the most historic area and provides the most traditional street grid and the largest collection of buildings with a street orientation. In addition, lot patterns in this area generally are smaller than other areas of the Regional Center further constraining property and business owners who seek to make small changes to existing buildings.

Therefore, staff find that the proposed text amendment is consistent with Goal 3.5.1, policy “a”.

3.6.1 Goal: Regional Centers that develop in accordance with community vision and consistent with the 2040 Regional Growth Concept Map.

Policies:

- a) Regulate new development in Regional Centers to ensure compact urban development and to maximize the public infrastructure investment in light rail.***
- d) Adopt Community Plans identifying Comprehensive Plan Policies applicable to each regional center to provide community vision.***

The proposed amendment will not affect the implementation of the community vision as described in the Chapter 3, Land Use, or the Downtown Beaverton Regional Center Community Plan. The proposed text amendments continue to provide regulatory review of development within the RC-OT zoning district and are only intended to reduce the barriers for ongoing small scale investment in existing

structures, which in turn will attract more comprehensive investment and redevelopment.

Therefore, staff find that the proposed text amendment is consistent with Goal 3.6.1, policy “a” and “d”.

5. The proposed text amendment is consistent with other provisions within the City’s Development Code.

The text amendment proposes to streamline the application process required and establish new limited Design Review Thresholds and Approval Criteria for small expansions or modifications to existing structures located in the RC-OT zone. This proposal includes amendments to Chapter 20 and 40.

Staff reviewed the proposed text amendments for compliance with Chapter 20 including Sections 20.20.50, Site Development Standards; Chapter 30, Chapter 40 including Section 40.20, Design Review, Chapter 50, and Chapter 60, including Section 60.55 Transportation.

The proposed amendments will allow for existing structures to move towards conformance without obstructing the ability to develop to the full standards at a future date.

Staff find that proposed amendments are consistent with the other provisions of the Development Code. Staff find, therefore, approval criterion five has been met.

6. The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

The current Development Code and Ordinance No. 4187, which adopted the current Comprehensive Plan, are applicable to the proposed text amendment and are addressed in the findings of fact for approval criterion four and five. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by or would conflict with the proposed text amendments.

Therefore, staff find that approval criterion six has been met.

7. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Staff have determined that there are no other applications and documents related to the request that will require further City approval.

Therefore, staff find that approval criterion seven has been met.

IV. Conformance with Statewide Planning Goals

Because the proposal is for a text amendment to the Development Code, a demonstration of compliance with the Statewide Planning Goals is not required. ORS 197.225 requires that Statewide Planning Goals only be addressed for Comprehensive Plan Amendments. Nevertheless, the Statewide Planning Goals are useful to support the City's position on the proposed amendments. The proposed text amendment's conformance to relevant Statewide Planning Goals is briefly discussed below:

GOAL ONE - CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendments to the Development Code will not change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One.

GOAL TWO - LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4187) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4302). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text amendment proposal. The proposed Development Code amendment has been processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 2.

V. Conclusion and Staff Recommendation

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7. Therefore, staff recommend the Planning Commission **APPROVE** TA 2005-0006 (RC-OT Design Review Amendment) at the January 18, 2006 regular Commission hearing.

VI. Exhibits

Exhibit 1.1 Map of Beaverton Regional Center and the RC-OT zoning district

Exhibit 1.2 Proposed Text Amendment